MONTANA LEGISLATIVE HISTORY

Chapter 45 19 79

Bill H 28 S _____ Original bill & history X C

H. Committee on HIGHWAYS & TRANSPORTATION

Hearing Date(s) 1/18 X C

& EXEC ACTION _____ C

_____ C

_____ C

Date Out _____ C

S. Committee on HIGHWAYS & TRANSP.

Hearing Date(s) 1/30 X C

EXEC ACTION 2/1 X C

_____ C

_____ C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

CHAPTER NO. 45

HOUSE BILL NO. 28

INTRODUCED BY KANDUCH

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

IN THE HOUSE

January 4, 1979	Introduced and referred to Committee on Highways and Transportation.
January 6, 1979	On motion, joint rule 6-6 suspended and sponsor's signature allowed to be added to prefiled bill.
January 18, 1979	Committee recommend bill do pass and placed on Consent Calendar. Report adopted.
January 19, 1979	Printed and placed on members' desks.
January 22, 1979	Third reading Consent Calendar, passed. Transmitted to second house.

IN THE SENATE

January 23, 1979	Introduced and referred to Committee on Highways and Transportation.
February 3, 1979	Committee recommend bill be concurred in. Report adopted.
February 6, 1979	Motion pass consideration.
February 7, 1979	Second reading, concurred in.
February 9, 1979	Third reading, concurred in.

IN THE HOUSE

February 10, 1979

Returned from second house. Concurred in. Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 28

INTRODUCED BY _____

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE APPLICATION OF STANDARDS FOR PERMITTED OUTDOOR ADVERTISING TO CERTAIN TYPES OF SIGNS; AMENDING SECTION 75-15-113, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-15-113, MCA, is amended to read:

"75-15-113. Standards for permitted advertising. Except for outdoor advertising beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area, outdoor advertising permitted under subsections (1)(d) and (1)(e) of 75-15-111 shall conform to the following requirements:

(1) Signs may not be erected or maintained which exceed 1,200 square feet in area, including border and trim but excluding base or apron, supports, and other structural members.

(2) Maximum length, 60 feet.

(3) Maximum height, 40 feet as measured from the ground or, if the sign is attached to a structure, as measured from the base of the sign itself.

(4) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed 325 square feet.

(5) Double-faced, back-to-back, and V-type signs shall be considered as a single sign or structure.

(6) Where two or more faces, back to back, are supported by separate structures, each shall be considered a single sign.

(7) No two signs shall be spaced less than 500 feet apart adjacent to an interstate highway or limited-access primary highway, except that signs may be erected closer than 500 feet if they are separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the highway at any one time.

(8) Signs may not be located within 500 feet of any of the following which are adjacent to the highway unless the signs are in an incorporated area:

(a) public parks;

(b) public forests;

(c) public playgrounds;

(d) scenic areas designated as such by the highway department or other state agency having and exercising this authority;

(e) cemeteries.

(9) A sign may not be located on an interstate highway or freeway within 500 feet of an interchange or intersection at grade or rest area. The 500 feet is to be measured along the interstate or freeway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.

(10) Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by a flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at a portion of the traveled ways of the interstate or federal-aid primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with a driver's operation of a motor vehicle are prohibited.

(c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

(11) The location of sign structures situated on the primary highways between streets, roads, or highways

entering or intersecting the main-traveled way shall conform to the following minimum spacing criteria:

(a) Where the distance between centerlines of intersecting streets or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(b) Where the distance between centerlines of intersecting streets or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet."

-End-

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AUG 10 1979

OF MONTANA

MINUTES

HOUSE HIGHWAYS AND TRANSPORTATION COMMITTEE

46th LEGISLATURE 1979

Members:

Baeth, William R., Chairman
Kanduch, Joe, F., Sr., Vice-Chairman
Cooney, Mike
Ernst, Gene N.
Fabrega, Jay
Feda, G. D.
Frates, Gene
Keyser, Kerry
Kropp, Paul R.
Lien, Edward
Magone, Joseph M.
Meyer, Darryl
Rosenthal, Jonas H.
Tropila, Joe
Uhde, Jack Brian
Wood. L. E.

Emelia A. Satre, Secretary

HIGHWAYS AND TRANSPORTATION COMMITTEE

46 Legislature
Page 1

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HB 27	Amend Section 60-5-106, MCA, pertaining to controlled-access highways	Jan. 9	Baeth	Jan. 18	DO PASS	Jan. 18
HB 28	Limit the application of standards for permitted out-door advertising to certain types of signs.	Jan. 9	Kanduch	Jan. 18	DO PASS, place on Consent Calendar	Jan. 18
HB 55	Clarifies the conditions under which Class C carriers are considered to be operating as Class B carriers.	Jan. 9	Uhde	Jan. 16	DO PASS. Place on Consent Calendar	Jan. 16
HB 65	Amends to make the section applicable to applications by Class D carriers and to requests for transfers of authority and to clarify, etc.	Jan. 9	Uhde	Jan. 16	DO PASS. Place on Consent Calendar	Jan. 16
HB 66	Amends the time period within which the Public Service Commission is required to make decisions on motor carrier certificate applications.	Jan. 9	Cooney	Jan. 16	DO PASS AS AMENDED	Jan. 18
	Amends to permit motor carrier [illegible]	Jan. 9	Cooney	Jan. 16	DO PASS AS	Jan. 18

HOUSE BILL 28 REPRESENTATIVE JOE F. KANDUCH, the chief sponsor, said this bill was at the request of the Department of Highways, and was to limit the application of standards for permitted outdoor advertising to certain types of signs. He said Montana law is not in compliance with federal laws and these amendments would result in such compliance. There is a 10% penalty for being in noncompliance.

BEATE GALDA, Department of Highways, spoke in support of the bill.

Questions were asked by the committee. James R. Beck of the Highway Department assisted in answering these questions.

Chairman Baeth closed the hearing on this bill and turned the chair over to the Vice-Chairman. Vice-Chairman Kanduch opened the hearing on HB 27.

HOUSE BILL 27 REPRESENTATIVE WILLIAM R. BAETH, the chief sponsor, called on James R. Beck of the Highway Department to introduce this bill.

JAMES R. BECK, Highway Department, said this bill is to clarify the laws relating to controlled access highways. He said the Highway Department would like to have the right to approve or disapprove approaches made onto these controlled access highways. He said when it comes to subdividing, each lot could demand an approach to the road and it then becomes an obvious safety problem.

Chairman Baeth resumed the chair and opened the meeting to an executive session.

EXECUTIVE SESSION

HOUSE BILL 27 Rep. Cooney moved do pass. The motion carried unanimously. Rep. Cooney moved that HB 27 be placed on the consent calendar. Rep. Keyser voted no so the motion failed.

HOUSE BILL 28 Rep. Tropila moved do pass and the motion carried unanimously. Rep. Tropila moved that HB 28 be placed on the consent calendar. The motion carried unanimously.

HOUSE BILL 69 Rep. Tropila moved do pass. Motion carried unanimously. Rep. Tropila moved that HB 69 be placed on the consent calendar. Motion carried unanimously.

HOUSE BILL 70 Rep. Uhde moved do pass. Motion carried unanimousl Rep. Uhde moved that it be placed on the consent calendar. Reps. Kropp and Keyser voted no so the motion failed.

SENATE COMMITTEE ON HIGHWAYS AND TRANSPORTATION

ILL UMBER	DATE RECEIVED	TITLE	SPONSOR	HEARING	ACTION
B19	3-1-79	An act to amend section 69-12-108, MCA, to reduce the minimum penalty fee for subsequent offense violatons by motor carriers.	MANNING (Hager)	Saturday 3-10-79	BE CONCURRED IN 3-10-79
327	1-24-79	An act to amend section 60-5-106 MCA, pertaining to controlled-access highways.	BAETH (Healy)	2-3-79 Saturday	BE CONCURRED IN 3-10-79
328	1-24-79	An act to limit the application of standards for permitted outdoor advertising to certain types of signs; amending section 75-15-113, MCA.	KANDUCH (Etchart)	1-30-79 Tuesday	BE CONCURRED IN 2-1-79
355	1-20-79	An act to amend section 69-12-302, MCA, to clarify the conditions under which Class C Carriers are considered to be operating as Class B Carriers.	CODE COM. (Hager)	1-27-79 Saturday	BE CONCURRED IN AS AMENDED 1-27-79
365	1-20-79	An act to amend section 69-12-321, MCA, to make the section applicable to applications by Class D Carriers and to requests for transfers of authority and to clarify the hearing requirements.	CODE COM. (Hazelbaker)	1-27-79 Saturday	BE CONCURRED IN 1-27-79

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

January 30, 1979

The tenth meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 1:35 p.m.

ROLL CALL: All members of the committee were present with the exception of Senator Healy. Senator Kolstad and Senator Manning arrived late.

CONSIDERATION OF HOUSE BILL 18: Representative Tropila, Chief Sponsor of HB 18 told the committee the bill is an act to amend section 69-12-327, MCA, to revise the procedure to revoke a motor carrier certificate; providing for an order to show cause and for revocation without hearing in case of failure to appear to show cause.

Rep. Tropila introduced Wayne Budt, from the Montana Public Service Commission, who told the committee, House Bill 18 was a bill to provide for the manner in which an authority can be cancelled. Commission will issue an Order to Show Cause why the certificate should not be cancelled to be sent by certified mail and if certificate holder does not answer the Commission Order, the authority may be cancelled. The Bill would do two things: 1. Eliminate Cost of Hearing and, 2. Certificate holder is given opportunity to be heard.

Chairman Etchart asked if there were any other proponents to HB 18. There were none. Chairman Etchart asked if there were any opponents to HB 18. There were none. The hearing on House Bill 18 closed.

CONSIDERATION OF SENATE BILL 251: Senator Boylan is the chief sponsor of SB 251 and was not present at the hearing. SB 251 is an act to require a damaged motor vehicle to be disposed of at a licensed wrecking facility when an insurance company settles a claim at total loss less salvage; and providing certain exceptions.

Chairman Etchart asked if there were any proponents to SB 251. Mr. William Romine from the Montana Automotive Dismantlers and Recyclers Association gave his presentation. See Exhibit "A".

Chairman Etchart asked if there were any other proponents to SB 251. Mr. Gordon B. Borrough, Green Meadow Auto Salvage, Helena, told the committee he has talked to quite a few people from the different insurance company's and they have raised no real objections to this bill. He told the committee the insurance company favored the bill because it would cut down on their paper work. At the

present time the county is responsible for picking up salvage vehicles. The city does the same thing within the city. The city pays so much per car. If this law was enacted, it would cut down the expense of both agencies.

Chairman Etchart asked if there were any opponents to SB 251. Larry Mitchell, Solid Waste Bureau, Department of Health and Environmental Sciences said he was neither an opponent nor a proponent to this bill. He told the committee he agrees in principle what this bill is trying to do, keep salvage off the streets, etc. He said they are pleased they go into wrecking yards. What they are concerned about is who will be responsible for administering the bill. I am concerned from the standpoint that it would take time to regulate the insurance industry to find out what all these people are doing with these cars. We are in favor of regulation, but we are concerned about the administration of it.

Chairman Etchart asked the committee if there were any questions, there being none, the hearing was closed on SB 251.

CONSIDERATION OF HOUSE BILL 28: Representative Joe F. Kanduch, Sr., is the Chief Sponsor of HB 28. He told the committee this bill was requested by the Department of Highways. It is an act to limit the application of standards for permitted outdoor advertising to certain types of signs; amending section 75-15-113, MCA. He told the committee it seems that 75-15-113 is not in compliance with Federal regulations with highway signs. Wants to add and this way we can bring the two laws of complaince so that they are in agreement with the Federal Laws.

Chairman Etchart asked if there were any proponents to HB 28. Beate Galda, Department of Highways, gave her testimony. Please see Exhibit "B".

Chairman Etchart asked if there were any opponents to HB28. There were none. Chairman Etchart asked if there were any questions from the Committee:

Senator Graham wondered what they were going to do on the sign removal project. He read to the committee an article he had clipped from the newspaper regarding sign removal.

Ms. Galda told the committee if that goes thru, then as of October, their program will come to a halt. We do have a certain amount of funds earmarked for use. In order to get those funds we have to have a project going. Right now, it looks like we would have enough to complete the screening program, but I don't know if they have been tied to a specific subject.

There being no further questions, the hearing was closed.

Summary of the Department of Highways' position on House Bill 28. "B"

House Bill No. 28 was introduced at the request of the Department of Highways and amends section 75-15-113, MCA. The only change to the present section is to exclude directional and other official signs, such as those erected by the Department of Highways to give information to the public, from the standards given in this section. The purpose of excluding such signs from these standards is to comply with federal requirements. The federal law permits states to have more stringent requirements in outdoor advertising control. Where, however, less stringent standards are given, the state can be assessed a 10% penalty for noncompliance with federal law.

Presently, directional and other official signs in Montana do conform with federal standards. The Department of Highways' regulations subject these signs to the standards promulgated by the Federal Highway Administration. But, because Section 75-15-113 also purports to regulate these signs and permits larger signs than those permitted by the federal standards, Montana's law is not in compliance with federal. This amendment would result in such compliance.

STATE OF MONTANA

DEPARTMENT OF HIGHWAYS

HELENA, MONTANA

January 31, 1979

TO: SENATOR CARROLL GRAHAM

FROM: BEATE GALDA, LEGAL DIVISION OF THE DEPARTMENT OF HIGHWAYS

RE: FEDERAL FUNDING OF THE BEAUTIFICATION PROGRAM

In answer to your question of January 30, 1979, the federal funds which have already been authorized for use in state beautification programs will not be taken away from the states. These funds, however, are not transferable. Any funds which are not used for the specific project for which they were authorized will probably be lost by the state.

In the junkyard program, Montana has received authorization for approximately $275,000. The junkyard in Gallatin County which the Department has been ordered by the Supreme Court to screen has been authorized $15,000 in federal funds. The present estimate for properly screening it is $63,000.

The Outdoor Advertising Control Program has funds authorized for sign condemnation in Yellowstone County only. The Department has already contracted to purchase all of the nonconforming signs of all major sign companies operating in the state except National Sign Company (3-M). Money is available to purchase these signs and to condemn those of National Sign. There may be a shortage of funds for purchasing nonconforming signs of other businesses in the state.

The history of the beautification program throughout the United States indicates that large amounts of money have been authorized but not yet expended by the states. It is conceivable that Congress may not appropriate more money for beautification until the presently available funds are exhausted.

If you have further questions concerning this matter, please contact me at 449-2585.

BG/gt

Beate Galda

DATE 1-30

COMMITTEE ON _____ BILL NO. 28

VISITOR'S REGISTER

NAME	REPRESENTING	Check One	
		Support	Oppo
Beata Galdeo	Dept. of Highways	✓	

NAME: Beate Galda DATE: 1-30-79

ADDRESS: Helena

PHONE: 449-2585

REPRESENTING WHOM? Dept of Highways

APPEARING ON WHICH PROPOSAL: H.B 28

DO YOU: SUPPORT? X AMEND? _____ OPPOSE? _____

COMMENTS: _____

PLEASE LEAVE ANY PREPARED STATEMENTS WITH THE COMMITTEE SECRETARY.

MINUTES OF THE MEETING
HIGHWAYS AND TRANSPORTATION COMMITTEE
MONTANA STATE SENATE

February 1, 1979

The eleventh meeting of the Highways and Transportation Committee was called to order by Chairman Mark Etchart on the above date in Room 410 of the State Capitol Building at 12:30 p.m.

ROLL CALL: All members of the Committee were present.

CONSIDERATION OF SENATE BILL 196: Senator Conover is the Chief Sponsor of Senate Bill 196. It is an act amending section 15-24-1001, MCA, to require a custom combiner's fee for Montana resident custom combiners similar to the fee paid by nonresidents and in lieu of fees presently required. Senator Conover told the committee that in 1974 and 1975, this same bill had been sponsored for legislation. He said that out-of-state combiners were charged an enormous fee, which is detrimental to the harvest in Montana. Custom Combiners within our state, who go south to cut and then come back north are charged $174.19 to get back into the state. He referred to Page 1, Line 20, and read this to the committee. This bill will add Section 2, which he read to the committee. Senator Conover told the committee the State of Montana is discriminating against our own people who are doing custom cutting. He reported there is a state that reimburses the custom combiners fee when the cutters leave. Thru this bill I am trying to put our own custom combiners in the same category as out-of-state custom combinrs.

Chairman Etchart asked if there were any other proponents to Senate Bill 196. Senator Jergeson spoke in support of Senator Conover telling the committee he felt there is discrimination against those young people who want to get going in the custom combining business.

Chairman Etchart asked if there were any opponents to Senate Bill 196. Any questions from the committee?

Senator Graham wanted to know about the $20 permit, and just exactly what the $175 fee is.

Mr. Copley, Department of Highways told him it was gross rate fee, registration, and property tax on the vehicle.

Senator Graham wanted to know just what the bill did. Would the cutter still have to pay property tax, GVW fee and everything else.

Mr. Copley said yes, if he uses the vehicle and lives in the state.

thousand.

Chairman Etchart asked if there were any other questions. There being none, the hearing was closed.

CONSIDERATION OF HOUSE BILL 28: Beata Galda from the Highway Department returned to re-explain House Bill 28. She went thru the existing law and explained to the committee how and what it regulates. (See Exhibit "B" and "C".) She told the committee the purpose of the bill was to bring our laws into compliance with the Federal Government's regulations.

ACTION ON HOUSE BILL 28: Senator Hager moved that HB 28 DO PASS. Senator Hazelbaker seconded this motion. The motion carried unanimously. Senator Etchart will carry this bill on the floor of the Senate.

ACTION ON SENATE BILL 196: Senator Hazelbaker made the motion to DO PASS Senate Bill 196. Senator Kolstad seconded the motion. The motion carried unanimously. Senator Conover will carry on the floor of the Senate.

ACTION ON SENATE BILL 160: Senator Hager read a letter from Mae Jenkins to the committee. See Exhibit "D".

Senator Hager made the motion to DO NOT PASS Senate Bill 160. Senator Hazelbaker seconded the motion. The motion carried unanimously to DO NOT PASS Senate Bill 160.

ACTION ON SENATE BILL 113: Senator Hazelbaker reported to the committee that he would like to make two amendments to this bill. He suggested taking the bill off the second reading and bringing it back into committee.

Senator Hager made the motion to remove Senate Bill 113 from second reading and move it back into committee for further amendments. Senator Hazelbaker seconded the motion. The motion carried unanimously. Senator Hazelbaker is in charge of this.

ACTION ON SENATE JOINT RESOLUTION 7: Copies of the proposed amendments to SJR 7 were handed out to the Senators. See Exhibit "E". Senator Hazelbaker suggested changing this to a simple Senate Resolution and direct it to the Department of Highways for an interim study and report back to the 47th session as soon as possible. Committee decided to Kill SJR 7 and type up a new bill, making it a Committee Resolution. Chairman Etchart decided to hold up both until the new Committee Resolution is ready and we can take care of both matters at the same time.

OTHER BUSINESS: Senator Hager reported on the progress of the Committee Bill regarding vehicles on private property. See Exhibit "F". If 75% of the committee approves this motion, we can have it drafted up, he reported.

Senator Hager made the motion to have this Committee Bill drafted up. Senator Hazelbaker seconded the motion. The motion

2-1-79

ROLL CALL

Highways COMMITTEE

46th LEGISLATIVE SESSION - 1979

NAME	PRESENT	ABSENT	EXCUSED
Mark Etchart, Chairman	✓		
Tom Hager, Chairman	✓		
Frank W. Hazelbaker	✓		
Allen C. Kolstad	✓ late		
Carroll A. Graham	✓		
Dave Manning	✓		
John E. Healy (Jack)	✓ late		

Each Day Attach to Minutes.

SENATE

Exhibit "B"

Sub-Chapter 14

Outdoor Advertising Regulations

18-2.6AI(14)-S6210 DEFINITIONS (1) Off-premise Signs: Signs which are located on property, separate and apart from the property on which the advertised activity is carried out.

(2) On-premise Signs: Signs erected on property for the purpose of advertising its sale or lease, or for advertising an activity conducted on the property. Boundaries which in the judgment of the Commission are fabricated solely to circumvent the intent and purpose of this definition shall be disregarded.

(3) Non-conforming Sign means one which was lawfully erected but which does not comply with the provisions of State law or State regulations passed at a later date, or which later fails to comply with the State law or State regulations due to changed conditions.

(4) Conforming Sign means one which was lawfully erected and which complies with State law and regulations in regard to spacing, zoning, size, and lighting requirements. (History: Sec. 82A-701.1, R.C.M. 1947, Sec. 32-4718, R.C.M. 1947; Order MAC No. 18-1; Adp. 12/29/72; Eff. 12/31/72; AMD MAC Not. No. 18-2-16; Order MAC No. 18-2-12; Adp. 11/10/75; Eff. 12/8/75.)

18-2.6AI(14)-S6220 SIGN SPACING (1) Alleys, undeveloped rights-of-way, private roads and driveways shall not be regarded as intersecting streets, roads or highways.

(2) Only roads, streets and highways which enter directly into the main-traveled way of the primary highway shall be regarded as intersecting.

(3) Official and "on premise" signs shall not be counted nor shall measurements be made from them for purposes of determining compliance with the above spacing requirements.

(4) The minimum distance between signs shall be measured along the nearest edge of the pavement between points directly opposite the signs. (History: Sec. 82A-701.1, R.C.M. 1947, Sec. 32-4718, R.C.M. 1947; Order MAC No. 18-1; Adp. 12/29/72; Eff. 12/31/72.)

18-2.6AI(14)-S6230 PERMITS (1) Applications for permits may be obtained at any of the Department of Highways Field offices located in Missoula, Butte, Great Falls, Glendive and Billings, and from the Helena Headquarters office. A permit must be obtained for each sign and the application for the permit must be accompanied by an initial fee of six dollars ($6.00). Permits shall be issued for three (3) years, assigned a permit number and renewed every three (3) years thereafter upon payment of three dollars ($3.00) without the filing of a new application.

(2) Permits for new signs in conforming areas are issued after the proposed location and sign size has been checked in regard to spacing, size and lighting criteria. A new sign must not be erected without first receiving a permit. (History: Sec. 82A-701.1, R.C.M. 1947; Sec. 32-4718, R.C.M. 1947; Order MAC No. 18-1; Adp. 12/29/72; Eff. 12/31/72; AMD MAC Not. No. 18-2-9; Order MAC No. 18-2-7; Adp. 8/14/74; Eff. 11/4/74; AMD MAC Not. 18-2-16; Order MAC No. 18-2-12; Adp. 11/10/75; Eff. 12/8/75; PRIOR P. 18-105, 10-10/25/74.)

(o) Public utility signs means warning signs, informational signs, notices, or markers which are customarily erected and maintained by publicly or privately owned public utilities, as essential to their operations.

(p) Service club and religious notices means signs and notices, whose erection is authorized by law, relating to meetings of nonprofit service clubs or charitable associations, or religious services, which signs do not exceed 8 square feet in area.

(q) Public service signs means signs located on school bus stop shelters, which signs—

(1) Identify the donor, sponsor, or contributor of said shelters;

(2) Contain public service messages, which shall occupy not less than 50 percent of the area of the sign;

(3) Contain no other message;

(4) Are located on schoolbus shelters which are authorized or approved by city, county, or State law, regulation, or ordinance, and at places approved by the city, county, or State agency controlling the highway involved; and

(5) May not exceed 32 square feet in area. Not more than one sign on each shelter shall face in any one direction.

(r) Directional signs means signs containing directional information about public places owned or operated by Federal, State, or local governments or their agencies; publicly or privately owned natural phenomena, historic, cultural, scientific, educational, and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be in the interest of the traveling public.

(s) State means any one of the 50 States, the District of Columbia, or Puerto Rico.

(t) Urban area means an urbanized area or, in the case of an urbanized area encompassing more than one State, that part of the urbanized areas in each such State, or an urban place as designated by the Bureau of the Census having a population of five thousand or more and not within any urbanized area, within boundaries to be fixed by responsible State and local officials in cooperation with each other, subject to approval by the Secretary. Such boundaries shall, as a minimum, encompass the entire urban place designated by the Bureau of the Census.

[38 FR 16044, June 30, 1973, as amended at 40 FR 21934, May 20, 1975]

§ 750.154 Standards for directional signs.

The following apply only to directional signs:

(a) *General.* The following signs are prohibited:

(1) Signs advertising activities that are illegal under Federal or State laws or regulations in effect at the location of those signs or at the location of those activities.

(2) Signs located in such a manner as to obscure or otherwise interfere with the effectiveness of an official traffic sign, signal, or device, or obstruct or interfere with the driver's view of approaching, merging, or intersecting traffic.

(3) Signs which are erected or maintained upon trees or painted or drawn upon rocks or other natural features.

(4) Obsolete signs.

(5) Signs which are structurally unsafe or in disrepair.

(6) Signs which move or have any animated or moving parts.

(7) Signs located in rest areas, parklands or scenic areas.

(b) *Size.* (1) No sign shall exceed the following limits:

(i) Maximum area—150 square feet.
(ii) Maximum height—20 feet.
(iii) Maximum length—20 feet.

(2) All dimensions include border and trim, but exclude supports.

(c) *Lighting.* Signs may be illuminated, subject to the following:

(1) Signs which contain, include, or are illuminated by any flashing, intermittent, or moving light or lights are prohibited.

(2) Signs which are not effectively shielded so as to prevent beams or rays of light from being directed at any portion of the traveled way of an Interstate or primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle, or which otherwise interfere with any driver's operation of a motor vehicle are prohibited.

(3) No sign may be so illuminated as to interfere with the effectiveness of or obscure an official traffic sign, device, or signal.

(d) *Spacing.* (1) Each location of a directional sign must be approved by the State highway department.

(2) No directional sign may be located within 2,000 feet of an interchange, or intersection at grade along the Interstate System or other freeways (measured along the Interstate or freeway from the

SENATE COMMITTEE Highways & Transportation

Date 2-1-79 H Bill No. 28 Time

NAME	YES	NO
Mark Etchart, Chairman	✓	
Tom V. Hager, Chairman	✓	
Frank W. Hazelbaker	✓	
Allen C. Kolstad	✓	
Carroll A. Graham	✓	
Dave Manning	✓	
John E. Healy	✓	

Carol Fauser
Secretary

Mark Etchart
Chairman

Motion:

DO Pass

(include enough information on motion--put with yellow copy of committee report.)

STANDING COMMITTEE REPORT

February 2 19 79

MR. President:

We, your committee on Highways and Transportation

having had under consideration House Bill No. 28

Respectfully report as follows: That House Bill No. 28

DO PASS BC.

SENATOR MARK ETCHART Chairman.

STATE PUB. CO.
Helena, Mont.

HOUSE BILL NO. 28

INTRODUCED BY KANDUCH

BY REQUEST OF THE DEPARTMENT OF HIGHWAYS

A BILL FOR AN ACT ENTITLED: "AN ACT TO LIMIT THE APPLICATION OF STANDARDS FOR PERMITTED OUTDOOR ADVERTISING TO CERTAIN TYPES OF SIGNS; AMENDING SECTION 75-15-113, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 75-15-113, MCA, is amended to read:

"75-15-113. Standards for permitted advertising. Except for outdoor advertising beyond 660 feet of the nearest edge of the right-of-way of an interstate or primary highway outside of an urban area, outdoor advertising permitted under subsections (1)(d) and (1)(e) of 75-15-111 shall conform to the following requirements:

(1) Signs may not be erected or maintained which exceed 1,200 square feet in area, including border and trim but excluding base or apron, supports, and other structural members.

(2) Maximum length, 60 feet.

(3) Maximum height, 40 feet as measured from the ground or, if the sign is attached to a structure, as measured from the base of the sign itself.

(4) No more than two facings visible and readable from the same direction on the main-traveled way may be erected on any one sign structure. Whenever two facings are so positioned, neither shall exceed 325 square feet.

(5) Double-faced, back-to-back, and V-type signs shall be considered as a single sign or structure.

(6) Where two or more faces, back to back, are supported by separate structures, each shall be considered a single sign.

(7) No two signs shall be spaced less than 500 feet apart adjacent to an interstate highway or limited-access primary highway, except that signs may be erected closer than 500 feet if they are separated by buildings or other obstructions in such a manner that only one sign facing located within the above spacing distance is visible from the highway at any one time.

(8) Signs may not be located within 500 feet of any of the following which are adjacent to the highway unless the signs are in an incorporated area:

(a) public parks;

(b) public forests;

(c) public playgrounds;

(d) scenic areas designated as such by the highway department or other state agency having and exercising this authority;

(e) cemeteries.

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(9) A sign may not be located on an interstate highway or freeway within 500 feet of an interchange or intersection at grade or rest area. The 500 feet is to be measured along the interstate or freeway from the beginning or ending of the pavement widening at the exit from or entrance to the main-traveled way.

(10) Signs may be illuminated, subject to the following restrictions:

(a) Signs which contain, include, or are illuminated by a flashing, intermittent, or moving light or lights are prohibited, except those giving public service information such as time, date, temperature, weather, or similar information.

(b) Signs which are not effectively shielded as to prevent beams or rays of light from being directed at a portion of the traveled ways of the interstate or federal-aid primary highway or which are of such intensity or brilliance as to cause glare or to impair the vision of the driver of any motor vehicle or which otherwise interfere with a driver's operation of a motor vehicle are prohibited.

(c) A sign may not be so illuminated that it interferes with the effectiveness of or obscures an official traffic sign, device, or signal.

(11) The location of sign structures situated on the primary highways between streets, roads, or highways

entering or intersecting the main-traveled way shall conform to the following minimum spacing criteria:

(a) Where the distance between centerlines of intersecting streets or highways is less than 1,000 feet, a minimum spacing between structures of 150 feet may be permitted between the intersecting streets or highways.

(b) Where the distance between centerlines of intersecting streets or highways is 1,000 feet or more, minimum spacing between sign structures shall be 300 feet."

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